

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

TOI BRISTOW

*Individually, and as Representative/Executor of the
Estate of Ivan Cook, and on Behalf of All Wrongful
Death Beneficiaries of Ivan Cook, Deceased*

PLAINTIFF

v.

CASE NO: 3:21-cv-104-MPM-JMV

**SMITTY'S SLICES 2, LLC
doing business as MARCO'S
PIZZA (Store #8322), et al.**

DEFENDANTS

ORDER STAYING CERTAIN PROCEEDINGS

This case is before the Court pursuant to L. U. Civ. R. 16(b)(3)(B). Rule 16(b)(3)(B) provides:

[f]iling a motion to compel arbitration, or a motion asserting an immunity defense or jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.

Defendant Liberty Mutual Insurance, Inc., filed a motion [11] to dismiss in part pursuant to Rule 12(b)(5) of the *Federal Rules of Civil Procedure* for failure to perfect service of process (which, consequently, raises the issue of lack of personal jurisdiction) on June 28, 2021. Accordingly, the proceedings listed above, along with the case management conference, are STAYED pending a ruling on the jurisdictional motion.

SO ORDERED THIS 6th day of July, 2021.

/s/ Jane M. Virden
U.S. Magistrate Judge